

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AZIZ A. ALDEN,

Plaintiff,

v.

WELLS FARGO BANK,

Defendant.

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C.A. No. 5:20-cv-620

Removed from the District Court of
Bexar County, State of Texas, 45th
Judicial District

JURY DEMANDED

DEFENDANT’S NOTICE OF REMOVAL

Defendant, Wells Fargo Bank, N.A. (“Wells Fargo”), removes this action pursuant to 28 U.S.C. §§ 1331 and 1332. The specific grounds for removal are set forth below.

INTRODUCTION

1. Plaintiff, Aziz Alden, filed a civil action against Wells Fargo, on January 15, 2020. The lawsuit is recorded on the docket of the District Court for Bexar County, State of Texas, in the 45 Judicial District Court, as Civil Action No. 2020-CI-00904 (the “State-Court Action”). In his petition, Alden alleges discrimination in violation of Title VII of the Civil Rights Act of 1964 based on his race, color, national origin, and sexual orientation.

2. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of the Summons and Complaint and all orders from the state court action are attached hereto as **Exhibit A**. These documents constitute all “process, pleadings and orders” served on Defendant in the State-Court Action.

THE NOTICE OF REMOVAL IS TIMELY

3. Alden has not properly served his petition and/or a summons on Wells Fargo’s registered agent. The Texas Rules of Civil Procedure require a properly-executed summons (or

the equivalent) to be served upon the defendant in order for process to be sufficient. Tex. R. Civ. P. 106(a)(2). The Rules also require that service be made upon designated individuals who are authorized to accept service of process on behalf of the corporation, which include the corporation's registered agent, president, or vice president. Tex. Bus. Orgs. Code §§ 5.201, 5.255(1). Failure to name the proper registered agent or person authorized to accept service renders service ineffective. *See Cannedy v. Wells Fargo Bank, N.A.*, No. 417CV00205ALMCAN, 2017 WL 4211050, at *4 (E.D. Tex. Sept. 5, 2017), report and recommendation adopted, No. 4:17-CV-205, 2017 WL 4181705 (E.D. Tex. Sept. 21, 2017) (holding that service was invalid because petition and citation that did not identify defendant's registered agent).

4. Wells Fargo's registered agent for service of process is Corporation Service Company located at 211 W. 7th St., Suite 620, Austin, Texas 78701. A copy of Wells Fargo's listing from the Secretary of State's website that includes information regarding its registered agent is attached as **Exhibit B**.

5. Alden did not serve Wells Fargo's registered agent, but instead attempted to serve the petition and summons on Joe A. Atkinson via certified mail. (Ex A). Thus, Wells Fargo has not been served in accordance with the Texas Rules of Civil Procedure, and its Notice of Removal is therefore timely.

BASIS FOR REMOVAL

6. The Court has both original federal question jurisdiction under 28 U.S.C. § 1331 and diversity jurisdiction under 28 U.S.C. § 1332(a): *first*, because Alden brings claims under Title VII (42 U.S.C. §§ 2000e, *et seq.*); and *second*, because the parties are completely diverse and the amount in controversy exceeds \$75,000.

- A. This Court has original federal question jurisdiction because Alden brings claims under Title VII.**

7. **Federal Question Jurisdiction.** “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). “A federal question exists if there appears on the face of the complaint some substantial, disputed question of federal law.” *In re Hot-Hed Inc.*, 477 F.3d 320, 323 (5th Cir. 2007). Here, it is apparent on the face of the petition that Alden purports to assert claims under Title VII. Thus, this Court has original federal question jurisdiction under 28 U.S.C. § 1331 because this case involves causes of action under Title VII.

- B. This Court also has diversity jurisdiction because the parties are completely diverse and the amount in controversy exceeds \$75,000.**

8. Additionally, this Court has diversity jurisdiction under 28 U.S.C. § 1332(a) because the parties are completely diverse and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

9. **Alden’s Citizenship.** Alden is now, and was at the time he commenced this action, a citizen of the State of Texas within the meaning of 28 U.S.C. § 1332(a) because his place of residence and domicile is and was within Texas. (Ex. A, Petition); *see also Simmonds Equip., LLC v. GGR Int’l, Inc.*, No. 4:15-CV-862, 2015 WL 5089169, at *7 (S.D. Tex. Aug. 27, 2015) (“Citizenship is based on domicile, *i.e.*, where an individual resides and intends to remain.”) (citing *Acridge v. Evangelical Lutheran Good Samaritan Society*, 334 F.3d 444, 448 (5th Cir. 2003)). Thus, for purposes of diversity jurisdiction, Alden is domiciled in and a citizen of Texas.

10. **Wells Fargo’s Citizenship.** Wells Fargo is, and was at the time Alden commenced this action, a National Banking Association, federally chartered with the Office of the Comptroller

of Currency of the United States. For purposes of federal diversity subject matter jurisdiction, a National Association is a citizen of the state in which its main office is located, as set forth in its articles of association. *Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303, 318 (2006). Defendant's main office, as set forth in its articles of association, is located in Sioux Falls, South Dakota. Thus, Wells Fargo is a citizen of the State of South Dakota.

11. **Amount-in-Controversy.** The amount-in-controversy requirement is satisfied because Alden alleges in his petition that he is seeking \$1,500,000. This Court can determine that removal is "proper if it is facially apparent that the claims are likely above [\$75,000]." *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

12. Because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000, jurisdiction exists under 28 U.S.C. § 1332. Removal is therefore proper.

VENUE AND NOTICE

13. Venue is proper in this District and Division under 28 U.S.C. § 1441(a) because this District and Division embrace Bexar County, Texas, where Alden filed the State-Court Action. *See* 28 U.S.C. § 98(a).

14. Wells Fargo will promptly file a Notice of Filing of Notice of Removal with the 45th Judicial District Court for Bexar County, State of Texas and will serve a copy of the filing on Alden in accordance with 28 U.S.C. § 1446(d). A Copy of this Notice is attached as **Exhibit C**.

CONCLUSION

Wells Fargo respectfully prays that the above-described action pending against it be removed to this Court. Wells Fargo also respectfully requests all other relief, at law or in equity, to which it is justly entitled.

Dated: May 26, 2020

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Timothy M. Watson
Timothy M. Watson
State Bar No. 20963575
S.D. Texas I.D. 12953
Alia S. Wynne
State Bar No. 24060860
S.D. Texas I.D. 679809
700 Milam Street, Suite 1400
Houston, Texas 77002-2797
(713) 225-2300 – Telephone
(713) 225-2340 – Facsimile
twatson@seyfarth.com
awynne@seyfarth.com

ATTORNEYS FOR DEFENDANT
WELLS FARGO BANK, N.A.

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing document with the Court's CM/ECF electronic filing system on this 26th day of May 2020 and served a copy to the following non-CM/ECF participant via email and United States mail:

Aziz A. Alden
8003 Palmetto Place
San Antonio, TX 78254
Telephone: (210) 577-0182
azizkain@gmail.com

/s/ Alia S. Wynne
Alia S. Wynne

EXHIBIT A



COUNTY CLERK & DISTRICT CLERK COURT RECORDS SEARCH

Case #2020CI00904

Name: AZIZ A ALDEN

Date Filed : 1/15/2020

Case Status : PENDING

Litigant Type : PROPIA PERSONA

Court : 045

Docket Type : OTHER CIVIL CASES

Business Name :

Style : AZIZ A ALDEN

Style (2) : vs WELLS FARGO

Case History

Currently viewing 1 through 9 of 00009 records

Sequence	Date Filed	Description
P00008	5/22/2020	ORIGINAL ANSWER OF WELLS FARGO BANK NA
P00007	5/21/2020	EMAILED COPY OF: ENTIRE FILE TO TIMOTHY M WATSON
P00006	5/19/2020	LETTER TO DISTRICT CLERK FR: TIMOTHY M. WATSON RE: COPY OF ENTIRE FILE
T00005	5/18/2020	NON-JURY SETTING ON TRIAL ON THE MERITS COURT: 109 TRIAL DATE & TIME: 7/2/2020 9:00AM
S00001	3/3/2020	CITATION CERTIFIED MAIL WELLS FARGO ISSUED: 3/3/2020 RECEIVED: 3/3/2020 RETURNED: 3/10/2020
P00004	2/26/2020	REQUEST FOR SERVICE AND PROCESS
P00003	2/26/2020	SERVICE ASSIGNED TO CLERK 2
P00002	1/15/2020	ACKNOWLEDGMENT OF PROPRIA PERSONA PARTY
P00001	1/15/2020	PETITION



2020-CI-00904

045TH JUDICIAL DISTRICT COURT

AZIZ A ALDEN VS WELLS FARGO

DATE FILED: 01/15/2020

Mr. Aziz A. Alden

8003 Palmetto Place

S.A. Tx 78254

Name of Plaintiff(s)

vs

Wells Fargo Bank

Name of Defendant(s)

Case Number: _____

FILED
DISTRICT CLERK
BEXAR CO. TEXAS
2020 JAN 15 P 12:20
DEPUTY
Andres Garcia

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

Note: If plaintiff is alleging employment discrimination based on race or color, please also see 42 U.S.C. 1981

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the court by 42 U.S.C. 2000e-5. Equitable and other relief are also sought under 42 U.S.C. 2000e-5(g).

2.. Plaintiff, Aziz A. Alden, is a citizen of the United States
(name of plaintiff)

and resides at 8003 Palmetto Place, San Antonio,
(street address) (city)

Bexar, Tx, 78254, 210-577-0182.
(county) (state) (zip) (telephone)

3. Defendant, Wells Fargo, resides at, or its business is
(name of defendant)
located at 3570 SW Military Drive, San Antonio,
(street address) (city)
Bexar, Tx, 78211, 210-856-9135.
(county) (state) (zip) (telephone)
4. Plaintiff sought employment from the defendant or was employed by the defendant
at 3570 SW Military Drive, San Antonio,
(street address) (city)
Bexar, Tx, 78211.
(county) (state) (zip)
5. Defendant discriminated against plaintiff in the manner indicated in paragraphs 9 and 10
of the complaint on or about April 10, 2019.
(month, day, year)
6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity
Commission charging defendant with the acts of discrimination indicated in paragraphs
9 and 10 of this complaint on or about October 22, 2019.
(month, day, year)
7. The Equal Employment Commission issued a Notice of Right to Sue which was
received by plaintiff on October 31, 2019.
(month day, year)

8. Because of plaintiff's (1) ☒ race, (2) ☒ color, (3) ☒ sexual orientation
(4) ☒ national origin, defendant:

- a. _____ failed to employ plaintiff.
b. _____ terminated plaintiff's employment.
c. ☒ failed to promote plaintiff.
d. ☒ Other Retaliation for raising
my hand and speaking up.

9. The circumstances under which the defendant discriminated against plaintiff were as follows:

In April of 2019 I applied and interviewed
for four open management positions that I
qualified for, one of of them being a lateral
move, the other three a promotion. Two positions
were given to less qualified persons and
these persons were told by the interview
panel to apply. The other two positions of
Branch Manager 2 and Service Manager 2 were then
cancelled and I was emailed three months later about
of the cancellations. The same two positions
Branch Manager 2 id 5499524 promotion and Service
Manager 2 id 545286 lateral move reopened.
I applied again and was declined an interview.
I was not allowed to be promoted or even
have a lateral move as the others that applied
for these positions. There is an open nine month
investigation. DOCUMENT SCANNED AS FILED. Violated Policy.

10. The acts set forth in paragraph 9 of this complaint:

- a. ☒ are still being committed by defendant.
- b. ☐ are no longer being committed by defendant.
- c. ☐ defendant may still be committing the acts.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint: WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- a. ☐ Defendant be directed to employ plaintiff.
- b. ☐ Defendant be directed to re-employ plaintiff.
- c. ☐ Defendant be directed to promote plaintiff.
- d. ☒ Defendant be directed to pay 1,500,000 and that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees, and trial by Jury.

Bry L. Alden Pro Se Plaintiff
(Signature of Plaintiff)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Aziz A. Alden
8003 Palmetto Place
San Antonio, TX 78254

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2019-03980

Maribel Rosales, Investigator

(210) 281-7645

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

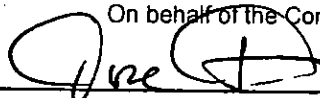
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission


for Travis G. Hicks, Director

10/31/2019

(Date Mailed)

Enclosures(s)

cc: WELLS FARGO BANK
Tammy Bailey
Administrative Assistant
3570 SW Military Drive
San Antonio, TX 78211

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		Agency(ies) Charge No(s): <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">451-2019-03980</div>	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <i>State or local Agency, if any</i>					
Name (indicate Mr., Ms., Mrs.) MR. AZIZ A ALDEN			Home Phone (210) 577-0182		Year of Birth 1979
Street Address City, State and ZIP Code 8003 PALMETTO PLACE, SAN ANTONIO, TX 78254					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)					
Name WELLS FARGO BANK			No. Employees, Members 501+		Phone No.
Street Address City, State and ZIP Code 3570 SW MILITARY DRIVE, SAN ANTONIO, TX 78211					
Name			No. Employees, Members		Phone No.
Street Address City, State and ZIP Code					
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)				DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04-10-2019 10-22-2019 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I BEGAN EMPLOYMENT AT THE ABOVE LISTED RESPONDENT IN APRIL 2007 AS A PART-TIME TELLER. AROUND 2008, I BECAME A FULL-TIME BANKER AND IN 2016 I WAS PROMOTED TO SERVICE MANAGER. AROUND APRIL 2019, I APPLIED FOR THE BRANCH MANAGER POSITIONS I AND II AS WELL AS THE SERVICE MANAGER POSITION, AS A LATERAL MOVE. I WENT THROUGH AN INTERVIEW PANEL WITH ONE OF THE MEMBERS BEING MY EX-PARTNER. ALTHOUGH THEY HAD SEVERAL VACANCIES FOR ALL THREE POSITIONS, THEY ONLY HIRED ONE PERSON FOR THE MANAGER I POSITION, KLINTON WERTH, AND IMMEDIATELY AFTER THAT, THE OTHER TWO POSITIONS WERE CANCELLED. A WEEK LATER, I REAPPLIED FOR THE MANAGER II POSITION AFTER IT REOPENED; NEVERTHELESS, FIVE MONTHS LATER, I WAS INFORMED VIA EMAIL I WAS NOT SELECTED FOR THE POSITION BECAUSE THEY HAD BETTER CANDIDATES, AND INSTEAD THEY HIRED ABBY ULN. THESE TWO INDIVIDUALS WHO WERE PROMOTED ARE CAUCASIAN, STRAIGHT AND UNDER 40. I FOUND OUT LATER THAT I HAD NOT BEEN GIVEN THE POSITION BECAUSE JOE ATKINSON, REGIONAL					
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.			NOTARY - When necessary for State and Local Agency Requirements		
I declare under penalty of perjury that the above is true and correct.			I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT		
Digitally signed by Aziz Alden on 10-22-2019 10:57 AM EDT			SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)		

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge if **retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation,

proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.



2020-CI-00904

045TH JUDICIAL DISTRICT COURT

AZIZ A ALDEN VS WELLS FARGO

Pro Se Acknowledgement

DATE FILED: 01/15/2020

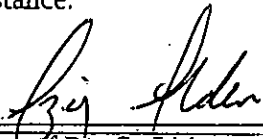
Cause Number: _____

I have received, read and understand all of the Pro Se Hearing Guidelines. I agree to abide by these guidelines and understand that my failure to do so may result in adverse action against me, that I may be asked to leave the Courtroom, or that I may not receive the relief I am seeking.

If the opposing party will sign a **Waiver of Citation**, it is only valid if the notarized signature is dated at least one (1) day after the date the **Original Petition for Divorce** is filed.

If I am filing for a divorce or for a change in custody, and my spouse and I care for minor-age children, I will take the required class, "**Helping Children Cope with Divorce**", before asking the court to enter a final Order or Decree. I understand that my divorce will not be granted without presenting the certificate of completion.

I understand that I may hire an attorney to represent me or, if I meet certain requirements, I may be entitled to free counsel. By choosing to voluntarily represent myself, I am now proceeding Pro Se. I will receive no special favors, assistance, or advice from the Judge, judicial staff, or clerks as they cannot and do not represent either party in the litigation. I will be expected to comply with all relevant rules of procedural, evidentiary, and substantive law. I understand that the filing and service fees are not refundable under any circumstance.



Signature of Pro Se Litigant01-15-20

DateFILED
DISTRICT CLERK
BEXAR CO. TEXAS

2020 JAN 15 P 12:22

DEPUTY

BY: 
Adriana Cadenas

2020CI00904 -P00004

Cause Number: 2020CI00904District Court: 045

FEE PAID



MARY ANGIE GARCIA
Bexar County District Clerk

Request for Process

Style: Aziz Alden Vs. Wells Fargo Bank

Request the following process: (Please check all that Apply)

- ☒ Citation
 ☐ Notice
 ☐ Temporary Restraining Order
 ☐ Notice of Application for Protective Order
 ☐ Temporary Protective Order
 ☐ Precept with hearing
 ☐ Precept without a hearing
 ☐ Writ of Attachment
 ☐ Writ of Habeas Corpus
 ☐ Writ of Garnishment
 ☐ Writ of Sequestration
 ☐ Capias
 ☐ Other: _____

1. Wells Fargo Joe A. Atkinson
Name: _____

Registered Agent/By Serving: _____

Address: 40 WE Loop 410, Floor 02, 201 SA Tx 78216

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☒ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____

(Pct. 3 serves process countywide)

2.

Name: _____

Registered Agent/By Serving: _____

Address: _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____

(Pct. 3 serves process countywide)

3.

Name: _____

Registered Agent/By Serving: _____

Address: _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____

(Pct. 3 serves process countywide)

4.

Name: _____

Registered Agent/By Serving: _____

Address: _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct _____

(Pct. 3 serves process countywide)

Title of Document/Pleading to be Attached to Process: _____

Name of Attorney/Pro se: Aziz Alden

Bar Number: _____

Address: 8003 Palmetto Place

Phone Number: 210-577-0182

SA Tx 78254

Attorney for Plaintiff _____ Defendant _____ Other Pro Se

****IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED****

Case Number: 2020-CI-00904

2020CI00904 S00001

AZIZ A ALDEN

vs.

WELLS FARGO

(Note: Attached document may contain additional litigants).

IN THE DISTRICT COURT
45th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS**CITATION****"THE STATE OF TEXAS"**DIRECTED TO: WELLS FARGO
BY SERVING JOE A ATKINSON40 NE LOOP 410, FLOOR 02 201
SAN ANTONIO TX 78216-5828

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and , a default judgment may be taken against you." Said CITATION with was filed on the 15th day of January, 2020.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 3RD DAY OF March A.D., 2020.

AZIZ A ALDEN
ATTORNEY FOR PROPIA PERSONA
8003 PALMETTO PLACE
SAN ANTONIO, TX 78254Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205By: *Alexandra Johnson*, DeputyAZIZ A ALDEN
vs
WELLS FARGO

Officer's Return

Case Number: 2020-CI-00904
Court: 45th Judicial District Court

Came to hand on the 3rd day of March 2020, A.D., at 9:25 o'clock A.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____ 20____, by delivering to: _____ at 40 NE LOOP 410, FLOOR 02 201 SAN ANTONIO TX 78216-5828 a true copy of this Citation, upon which I endorsed that date of delivery, together with the accompanying copy of the CITATION with .

Cause of failure to execute this Citation is _____.

Mary Angie Garcia
Clerk of the District Courts
of Bexar County, TXBy: *Alexandra Johnson*, Deputy

Case Number: 2020-CI-00904

2020CI00904 S00001

AZIZ A ALDEN

vs.

WELLS FARGO

(Note: Attached document may contain additional litigants).

CITATION

IN THE DISTRICT COURT
45th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS**"THE STATE OF TEXAS"**DIRECTED TO: WELLS FARGO
BY SERVING JOE A ATKINSON40 NE LOOP 410, FLOOR 02 201
SAN ANTONIO TX 78216-5828

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and , a default judgment may be taken against you." Said CITATION with was filed on the 15th day of January, 2020.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 3RD DAY OF March A.D., 2020.

AZIZ A ALDEN
ATTORNEY FOR PROPRIA PERSONA
8003 PALMETTO PLACE
SAN ANTONIO, TX 78254Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205By: *Alexandra Johnson*, DeputyAZIZ A ALDEN
vs
WELLS FARGO

Officer's Return

Case Number: 2020-CI-00904
Court: 45th Judicial District Court

Came to hand on the 3rd day of March 2020, A.D., at 9:25 o'clock A.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____ 20____, by delivering to. _____ at 40 NE LOOP 410, FLOOR 02 201 SAN ANTONIO TX 78216-5828 a true copy of this Citation, upon which I endorsed that date of delivery, together with the accompanying copy of the CITATION with .

Cause of failure to execute this Citation is Refused.

FILED
9 O'CLOCK 4/6 AM
MAR 10 2020
MARY ANGIE GARCIA
District Clerk, Bexar County, Texas
BY *Alexandra Johnson*
DEPUTY

Mary Angie Garcia
Clerk of the District Courts
of Bexar County, TXBy: *Alexandra Johnson*, Deputy

RETURN TO COURT (DK003)

DOCUMENT SCANNED AS FILED

7018 1830 0000 4161 5940

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark Here

ANTONIO, TX

WELLS FARGO
BY SERVING JOE A ATKINSON
40 NE LOOP 410, FLOOR 02 201
SAN ANTONIO, TX 78216-5828

2020C100904 3/3/2020 CITCH ALEXANDRA JOHNSON

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Case Number: 2020-CI-00904

2020CI00904 S00001

AZIZ A ALDEN

vs.

WELLS FARGO

IN THE DISTRICT COURT
45th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

(Note: Attached document may contain additional litigants).

CITATION

"THE STATE OF TEXAS"

DIRECTED TO: WELLS FARGO
BY SERVING JOE A ATKINSON

40 NE LOOP 410, FLOOR 02 201
SAN ANTONIO TX 78216-5828

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and , a default judgment may be taken against you." Said CITATION with was filed on the 15th day of January, 2020.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 3RD DAY OF March A.D., 2020.

AZIZ A ALDEN
~~ATTORNEY FOR PROPRIA PERSONA~~
8003 PALMETTO PLACE
SAN ANTONIO, TX 78254



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Alexandra Johnson*, Deputy

AZIZ A ALDEN
vs
WELLS FARGO

Officer's Return

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Came to hand on the 3rd day of March 2020, A.D., at 9:25 o'clock A.M. and EXECUTED (NOT EXECUTED) by CERTIFIED MAIL, on the _____ day of _____ 20____, by delivering to: _____ at 40 NE LOOP 410, FLOOR 02 201 SAN ANTONIO TX 78216-5828 a true copy of this Citation, upon which I endorsed that date of delivery, together with the accompanying copy of the CITATION with .

Cause of failure to execute this Citation is _____.

Mary Angie Garcia
Clerk of the District Courts
of Bexar County, TX

By: *Alexandra Johnson*, Deputy

Citami

Kxt

2020-CI-00904

2020CI00904 -P00001

045TH JUDICIAL DISTRICT COURT
 AZIZ A ALDEN VS WELLS FARGO
 DATE FILED: 01/15/2020

2

Mr. Aziz A. Alden

8003 Palmetto Place

S.A. Tx 78254

Name of Plaintiff(s)

vs

Wells Fargo Bank

Name of Defendant(s)

Case Number: _____

FILED
 DISTRICT CLERK
 BEXAR CO. TEXAS
 2020 JAN 15 P 12:20
 DEPUTY
B. L. L. L.

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

Note: If plaintiff is alleging employment discrimination based on race or color, please also see 42 U.S.C. 1981

- This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the court by 42 U.S.C. 2000e-5. Equitable and other relief are also sought under 42 U.S.C. 2000e-5(g).
- Plaintiff, Aziz A. Alden, is a citizen of the United States
 (name of plaintiff)
 and resides at 8003 Palmetto Place, San Antonio,
 (street address) (city)
Bexar, Tx, 78254, 210-577-0182.
 (county) (state) (zip) (telephone)

3. Defendant, "Wells Fargo", resides at, or its business is
(name of defendant)
located at 3570 SW Military Drive, San Antonio,
(street address) (city)
Bexar, Tx, 78211, 210-856-9135
(county) (state) (zip) (telephone)
4. Plaintiff sought employment from the defendant or was employed by the defendant
at 3570 SW Military Drive, San Antonio,
(street address) (city)
Bexar, Tx, 78211
(county) (state) (zip)
5. Defendant discriminated against plaintiff in the manner indicated in paragraphs 9 and 10
of the complaint on or about April 10, 2019
(month, day, year)
6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity
Commission charging defendant with the acts of discrimination indicated in paragraphs
9 and 10 of this complaint on or about October 22, 2019
(month, day, year)
7. The Equal Employment Commission issued a Notice of Right to Sue which was
received by plaintiff on October 31, 2019
(month day, year)

8. Because of plaintiff's (1) ☒ race, (2) ☒ color, (3) ☒ sexual orientation
(4) ☒ national origin, defendant:

- a. ☐ failed to employ plaintiff.
- b. ☐ terminated plaintiff's employment.
- c. ☒ failed to promote plaintiff.
- d. ☒ Other Retaliation for raising
my hand and speaking up.

9. The circumstances under which the defendant discriminated against plaintiff were as follows:

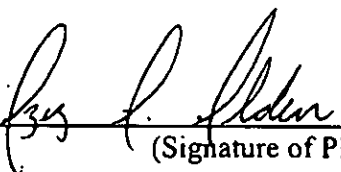
In April of 2019 I applied and interviewed
for four open management positions that I
qualified for, one of them being a lateral
move, the other three a promotion. Two positions
were given to less qualified persons and
these persons were told by the interview
panel to apply. The other two positions of
Branch Manager 2 and Service Manager 2 were then
cancelled and I was emailed three months later about
of the cancellations. The same two positions
Branch Manager 2 id 5499524 promotion and Service
Manager 2 id 545286 lateral move reopened.
I applied again and was declined an interview.
I was not allowed to be promoted or even
have a lateral move as the others that applied
for these positions. There is an open nine month
investigation. Violated Policy.

10. The acts set forth in paragraph 9 of this complaint:

- a. ☒ are still being committed by defendant.
- b. ☐ are no longer being committed by defendant.
- c. ☐ defendant may still be committing the acts.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint: WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- a. ☐ Defendant be directed to employ plaintiff.
- b. ☐ Defendant be directed to re-employ plaintiff.
- c. ☐ Defendant be directed to promote plaintiff.
- d. ☒ Defendant be directed to pay 1,500,000 and that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees, and trial by Jury.

 Pro Se Plaintiff
(Signature of Plaintiff)

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Aziz A. Alden
8003 Palmetto Place
San Antonio, TX 78254

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2019-03980

Maribel Rosales, Investigator

(210) 281-7645

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

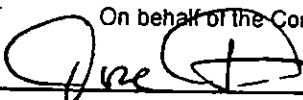
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



for Travis G. Hicks, Director

10/31/2019

(Date Mailed)

Enclosures(s)

cc: WELLS FARGO BANK
Tammy Bailey
Administrative Assistant
3570 SW Military Drive
San Antonio, TX 78211

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block; margin-top: 10px;">451-2019-03980</div>	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) MR. AZIZ A ALDEN		Home Phone (210) 577-0182	Year of Birth 1979
Street Address City, State and ZIP Code 8003 PALMETTO PLACE, SAN ANTONIO, TX 78254			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name WELLS FARGO BANK		No. Employees, Members 501+	Phone No.
Street Address City, State and ZIP Code 3570 SW MILITARY DRIVE, SAN ANTONIO, TX 78211			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04-10-2019 10-22-2019 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I BEGAN EMPLOYMENT AT THE ABOVE LISTED RESPONDENT IN APRIL 2007 AS A PART-TIME TELLER. AROUND 2008, I BECAME A FULL-TIME BANKER AND IN 2016 I WAS PROMOTED TO SERVICE MANAGER. AROUND APRIL 2019, I APPLIED FOR THE BRANCH MANAGER POSITIONS I AND II AS WELL AS THE SERVICE MANAGER POSITION, AS A LATERAL MOVE. I WENT THROUGH AN INTERVIEW PANEL WITH ONE OF THE MEMBERS BEING MY EX-PARTNER. ALTHOUGH THEY HAD SEVERAL VACANCIES FOR ALL THREE POSITIONS, THEY ONLY HIRED ONE PERSON FOR THE MANAGER I POSITION, KLINTON WERTH, AND IMMEDIATELY AFTER THAT, THE OTHER TWO POSITIONS WERE CANCELLED. A WEEK LATER, I REAPPLIED FOR THE MANAGER II POSITION AFTER IT REOPENED; NEVERTHELESS, FIVE MONTHS LATER, I WAS INFORMED VIA EMAIL I WAS NOT SELECTED FOR THE POSITION BECAUSE THEY HAD BETTER CANDIDATES, AND INSTEAD THEY HIRED ABBY ULN. THESE TWO INDIVIDUALS WHO WERE PROMOTED ARE CAUCASIAN, STRAIGHT AND UNDER 40. I FOUND OUT LATER THAT I HAD NOT BEEN GIVEN THE POSITION BECAUSE JOE ATKINSON, REGIONAL			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Aziz Alden on 10-22-2019 10:57 AM EDT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC 451-2019-03980</p>
<p align="center">TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC</p> <p align="center"><small>State or local Agency, if any</small></p>	
<p>BANK PRESIDENT, INDICATED THAT I WOULD NOT BE ABLE TO WORK FOR MY EX-PARTNER, DUE TO OUR PAST RELATIONSHIP, EVEN THOUGH I WORK UNDER HIM BEFORE AND NOW WITH NO ISSUES.</p> <p>ON OR ABOUT AUGUST 19, 2019, I RAISED MY CONCERNS WITH MICHELLE LEE, BANK PRESIDENT, IN REGARD TO THE ABOVE MATTERS, HOWEVER, TO THIS DATE, NOTHING HAS BEEN DONE ABOUT IT.</p> <p>I BELIEVE I HAVE BEEN DISCRIMINATED AGAINST BECAUSE OF MY RACE, COLOR AND NATIONAL ORIGIN, MIDDLE EASTERN AND BECAUSE OF MY SEXUAL ORIENTATION/GAY MALE, IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED; AND BECAUSE OF MY AGE/40, IN VIOLATION OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, AS AMENDED.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY - <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center">Digitally signed by Aziz Alden on 10-22-2019 10:57 AM EDT</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge if **retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation,

proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

RETURN SERVICE REQUESTED



FILED
DISTRICT CLERK
BEXAR CO. TEXAS

7018 1830 0000 4161 5940

2020 MAR 10 AM 9:46

WELLS FARGO
BY SERVING JOE A ATKINSON
40 NE LOOP 410, FLOOR 02 201
SAN ANTONIO, TX 78216-5828

DEPUTY



U.S. POSTAGE >> PITNEY BOWES



ZIP 78204 \$ 007.05⁰
02 4W
0000350934 MAR 04 2020

ANK

Refused

NIXIE

782 DE 1

0005/09/20

RETURN TO SENDER
REFUSED
UNABLE TO FORWARD

REF

BC: 78205341167

*1993-09965-04-43

DOCUMENT SCANNED AS FILED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. **WELLS FARGO**
 BY SERVING JOE A ATKINSON
 401 E LOOP 410, FLOOR 02 201
 SAN ANTONIO, TX 78216-5828

20200304 3/3/2020 CITIC ALEXANDRA JOHNSON



9590 9402 4410 8248 2690 35

2. Article Number (Transfer from service label)

7018 1830 0000 4161 5940

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Is delivery address different from item 1? ☐ Yes
 delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Restricted Delivery | |



2020CI00904

Seyfarth Shaw LLP

700 Milam Street

Suite 1400

Houston, Texas 77002-2812

T (713) 225-2300

F (713) 225-2340

twatson@seyfarth.com

T (713) 860-0065

www.seyfarth.com

Mary Angie Garcia
Bexar County District Clerk
Accepted By: Roxanne Araiza

May 19, 2020

Mary Angie Garcia
District Clerk
Bexar County Courthouse
Attn: Records Department
Paul Elizondo Tower
101 W. Nueva, Suite 217
San Antonio, Texas 78205

Re: Cause No. 2020CI00904; *Aziz A. Alden v. Wells Fargo Bank*; In the 45th Judicial District
Court of Bexar County, Texas.

Dear Records Department:

We would like to obtain a copy of the Court's file regarding the above-referenced matter on behalf of Wells Fargo Bank. I will be representing Wells Fargo Bank.

Please contact Beverly Maxwell at (713) 238-1807 regarding the size of the file and the cost. Please e-mail the file to twatson@seyfarth.com and bmaxwell@seyfarth.com.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy M. Watson'.

Timothy M. Watson

TMW/bam

NO 2020-CI-00904

Aziz A. Alden)
 VS.)
Wells Fargo Bank)
)
)
)

IN THE DISTRICT COURT
 45th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

MOTION TO SET

Aziz A. Alden, (Printed name of party setting hearing) the
Plaintiff (Plaintiff, Petitioner, Defendant, Respondent) in this cause,
 files this Motion to set for Trial on the Merits (non-
 jury trial on the merits, temporary orders, specific name of motion being set) on the
02 day of July, 2020.

Respectfully submitted,

(Signature of person requesting setting)

Printed Name: Aziz A. Alden

Bar No. of attorney:

Address: 8003 Valiente Place
SA Tx 78254Tel. No. (210) 577-0182

FAX No. ()

FILED
DISTRICT CLERK
BEXAR CO. TEXAS

2020 MAY 18 A 10:05

DEPUTY

BY: Deirdre TumbORDER

IT IS ORDERED that a trial/hearing as requested above is set on the above styled
 and numbered cause on the 02 day of July, 2020 at
9 A.M. in the Presiding Civil District Court, Room 109, Bexar County Courthouse,
 San Antonio, Texas.

SIGNED

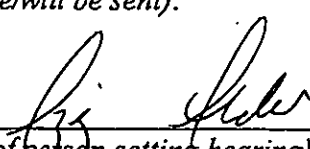
MAY 18 2020

Angelica I. Jimenez
 Presiding Judge
 408th Judicial District
 Bexar County, Texas

JUDGE PRESIDING

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Motion/Order to Set was delivered in accordance with the Texas Rules of Civil Procedure, on May 18, 2020 to Michael Franklin
(Names of parties or their attorneys to whom copies were/will be sent).


(Signature of person setting hearing)

PRINTED NAME: Aziz A. Akbar

CAUSE NO. 2020-CI-00904

AZIZ A. ALDEN,

Plaintiff,

v.

WELLS FARGO BANK,

Defendant.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF THE

45TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

DEFENDANT WELLS FARGO BANK, N.A.'S ORIGINAL ANSWER AND DEFENSES

Defendant Wells Fargo Bank, N.A. ("Wells Fargo") files this Original Answer and Defenses to Plaintiff Aziz A. Alden' Original Petition.

GENERAL DENIAL

Subject to such stipulations as may hereafter be made, Wells Fargo asserts a general denial to Plaintiff's Original Petition as is authorized under Rule 92 of Texas Rules of Civil Procedure, and respectfully requests that Plaintiff be required to prove his charges and allegations against Wells Fargo by a preponderance of the evidence, or where applicable, by clear and convincing evidence, as is required by the constitution and the laws of the State of Texas.

DEFENSES

1. Plaintiff is not entitled to some or all of the relief sought in his petition to the extent that he has failed to mitigate his alleged damages.

2. Wells Fargo invokes any and all applicable damages caps and limitations, including but not limited to the caps and limitations on damages set forth in the Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et al.*, and the Texas and Federal constitutions.

3. Plaintiff is not entitled to some or all of the relief sought in his petition to the extent that Plaintiff failed to exhaust his administrative remedies.

4. Plaintiff is not entitled to some or all of the relief sought in his Petition to the extent that his claims are barred by the applicable statute of limitations.

5. Plaintiff is not entitled to some or all of the relief sought in his Petition to the extent that his claims are barred by waiver, laches, and/or estoppel.

6. Plaintiff's alleged damages, if any, are the result in whole or in part of preexisting conditions and/or independent causes and are not the result of any act or omission on the part of Wells Fargo.

7. Wells Fargo had legitimate, non-retaliatory, and non-pretextual reasons for the employment actions it took.

8. Pleading in the alternative, any adverse employment action allegedly suffered by Plaintiff would have occurred even in the absence of any alleged retaliatory or discriminatory motive.

9. Wells Fargo's actions were done in good faith, without malice, and without intent to violate the law or cause Plaintiff harm. As such, the relief sought by Plaintiff in the form of exemplary or punitive damages is not available.

10. Plaintiff cannot recover punitive and/or exemplary damages since Wells Fargo cannot be vicariously liable for allegedly retaliatory or discriminatory employment decisions of managerial agents because those decisions, if any, were contrary to Wells Fargo's good faith efforts to comply with applicable federal, state, and local laws and regulations prohibiting retaliation.

11. To the extent that Plaintiff complained of any unlawful conduct, Wells Fargo took prompt and remedial action to investigate and address his complaint(s) and took appropriate corrective action.

12. To the extent Plaintiff alleges that any of Wells Fargo's employees acted in an unlawful manner, such conduct, if it occurred, was outside of the course and scope of that individual's employment, was not authorized or condoned by Wells Fargo, and was undertaken without the knowledge or consent of Wells Fargo. Thus, Wells Fargo is not liable for any such conduct, if it occurred.

13. Any relief to which Plaintiff may be entitled is barred or otherwise affected by the after-acquired evidence doctrine.

14. Wells Fargo reserves the right to assert additional defenses as they become known.

PRAYER

Defendant Wells Fargo Bank, N.A. prays that it be discharged and dismissed, that Plaintiff take nothing, that it be awarded its court costs, and that it be granted such other and further relief to which it might show itself justly entitled.

Respectfully submitted,

By: /s/ Alia S. Wynne
Timothy M. Watson
State Bar No. 20963575
Alia S. Wynne
State Bar No. 24060860
Seyfarth Shaw LLP
700 Milam Street, Suite 1400
Houston, Texas 77002-2797
(713) 225-2300 – Telephone
(713) 225-2340 – Facsimile

ATTORNEYS FOR DEFENDANT
WELLS FARGO BANK, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was filed via electronic court filing at eFileTXCourts.gov, and served on Plaintiff via email, United States mail, and certified mail at the address below on this the 22nd day of May, 2020.

Aziz A. Alden
8003 Palmetto Place
San Antonio, TX 78254
azizkain@gmail.com

/s/ Alia S. Wynne
Alia S. Wynne

EXHIBIT B

TEXAS SECRETARY of STATE
RUTH R. HUGHS**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

Filing Number: 8832
Original Date of Filing: June 21, 2001
Formation Date: N/A

Entity Type: Foreign Financial Institution
Entity Status: In existence
Non-Profit Type: N/A
FEIN: 941347393

Tax ID:

Name: WELLS FARGO BANK, NATIONAL ASSOCIATION
Address: 420 MONTGOMERY ST.
San Francisco, CA 94163 [COUNTRY NOT PROVIDED]

Fictitious Name: N/A
Jurisdiction: ,
Foreign Formation Date: N/A

REGISTERED AGENT	FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES
Name CORPORATION SERVICE COMPANY		Address 211 E. 7th Street, Suite 620 Austin, TX 78701-3218 USA			Inactive Date

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- To place an order for additional information about a filing press the 'Order' button.

EXHIBIT C

CAUSE NO. 2020-CI-00904

AZIZ A. ALDEN,

Plaintiff,

v.

WELLS FARGO BANK,

Defendant.

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§
§
§
§
§

IN THE DISTRICT COURT OF

THE 45TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

NOTICE OF FILING NOTICE OF REMOVAL

TO: Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

Aziz A. Alden
8003 Palmetto Place
San Antonio, TX 78254

PLEASE TAKE NOTICE THAT on the 26th day of May, 2020, pursuant to 28 U.S.C. § 1446(c), Wells Fargo Bank, N.A. filed its Notice of Removal of this cause of action to the United States District Court for the Western District of Texas, San Antonio Division. A true and correct copy of the Notice of Removal is attached hereto as **Exhibit 1**.

Respectfully submitted,

By: /s/ Alia S. Wynne
Timothy M. Watson
State Bar No. 20963575
Alia S. Wynne
State Bar No. 24060860
Seyfarth Shaw LLP
700 Milam Street, Suite 1400
Houston, Texas 77002-2797
(713) 225-2300 – Telephone
(713) 225-2340 – Facsimile

ATTORNEYS FOR DEFENDANT
WELLS FARGO BANK, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was filed via electronic court filing at eFileTXCourts.gov, and served on Plaintiff via email, United States mail, and certified mail at the address below on this the 26th day of May, 2020.

Aziz A. Alden
8003 Palmetto Place
San Antonio, TX 78254
azizkain@gmail.com

/s/ Alia S. Wynne

Alia S. Wynne